

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Yonce Hitt	Team: Squad #14	CCRB Case #: 202105915	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 10/01/2021 10:55 AM	Location of Incident: 375 6th Avenue	Precinct: 06	18 Mo. SOL 4/1/2023	EO SOL 4/1/2023	
Date/Time CV Reported Sun, 10/03/2021 1:36 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 10/03/2021 1:36 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Thomas Sheehy	02627	951243	006 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Jimmy Donggilio	02479	926787	006 PCT
2. PO Brian Cruz	05612	948829	006 PCT
3. PO Jennifer Paolino	11839	970760	006 PCT
4. PO Lamar Warner	25457	971269	006 PCT
5. PO Ranfiel Cortorreal	09248	966004	006 PCT

Officer(s)	Allegation	Investigator Recommendation
A. PO Thomas Sheehy	Off. Language: Police Officer Thomas Sheehy made remarks to § 87(2)(b) based upon the perceived mental disability of § 87(2)(b)	
B. PO Thomas Sheehy	Discourtesy: Police Officer Thomas Sheehy spoke discourteously to § 87(2)(b)	

Case Summary

On October 3rd, 2021, § 87(2)(b) filed this complaint with the CCRB via the online website.

On October 1st, 2021, at approximately 10:55 a.m., § 87(2)(b) walked toward the West 4th Street subway station on 6th Avenue in Manhattan. As § 87(2)(b) passed by 375 6th Avenue, § 87(2)(b) observed a group of officers standing on the sidewalk ahead of him, including Sergeant Jimmy Donggilio, Police Officer Brian Cruz, Police Officer Jennifer Paolino, Police Officer Lamar Warner, Police Officer Ranfiel Cortorreal, and Police Officer Thomas Sheehy, all of the 6th Precinct. § 87(2)(b) took photos and videos of the officers, their shields, and their vehicles. PO Sheehy asked why § 87(2)(b) was recording. After a brief conversation, PO Sheehy told § 87(2)(b) a “You’re a retard.” (**Allegation A: Offensive Language**, § 87(2)(g), **Allegation B: Discourtesy**, § 87(2)(g)) No summonses or arrests resulted from this incident.

Body-worn camera footage was received for this case and § 87(2)(b) also provided cellphone videos. The relevant aspects of footage are addressed in further detail below.

Findings and Recommendations

Allegation (A) Offensive Language: Police Officer Thomas Sheehy made remarks to § 87(2)(b) based upon the perceived mental disability of § 87(2)(b)

Allegation (B) Discourtesy: Police Officer Thomas Sheehy spoke discourteously to § 87(2)(b)

§ 87(2)(b) (BR 06) that as he walked toward the subway, he observed a group of roughly four officers standing outside of 375 6th Avenue in conversation with one another. § 87(2)(b) walked closer to the officers and took pictures of their faces and shield numbers. PO Sheehy asked why § 87(2)(b) was taking pictures of their faces. At this point, § 87(2)(b) started recording video on his cell phone. After a brief conversation, PO Sheehy turned away from § 87(2)(b) and walked back towards his patrol car parked in the street. PO Sheehy told § 87(2)(b) “You’re a retard.”

§ 87(2)(b)'s cell phone video of the incident captures PO Sheehy saying “You’re a retard” at 00:26 on the player timestamp (BR 01).

PO Sheehy testified (BR 07) that he called § 87(2)(b) a retard. PO Sheehy confirmed that it was a statement he made with the intention to offend.

At 01:32 on the player timestamp of PO Sheehy’s body-worn camera footage, PO Sheehy is captured stating, “You’re a retard” to § 87(2)(b) (BR 02).

NYPD Patrol Guide Procedure 210-03 (BR 03) states that members of service are prohibited from using discourteous or disrespectful remarks regarding another person’s ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability.

NYPD Patrol Guide Procedure 200-02 (BR 05) states that members of service pledge to maintain a higher standard of integrity than is generally expected of others and to respect the dignity of each individual and render [their] services with courtesy and civility.

As it is undisputed that PO Sheehy made the statement, “You’re a retard,” and as members of service are prohibited from using discourteous or disrespectful remarks regarding another person’s disability, § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)

- § 87(2)(b) [Redacted]
- [Redacted]

- PO Sheehy has been a member of service for 10 years and has been a subject in six other CCRB complaints and eight allegations, none of which were substantiated. § 87(2)(g) [Redacted]

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of March 16th, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (BR 08).
- § 87(2)(b) [Redacted]

Squad: 14

Investigator:	<u>Yonce Hitt</u> Signature	<u>Yonce Hitt</u> Print Title & Name	<u>04/08/2022</u> Date
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Squad Leader:	<u>Cassandra Fenkel</u> Signature	<u>IM Cassandra Fenkel</u> Print Title & Name	<u>04/08/2022</u> Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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